

**41-8-2. Operation of vehicle by persons under 17 during night hours prohibited -- Exceptions.**

(1) In addition to the provisions of Title 53, Chapter 3, Uniform Driver License Act, a person younger than 17 years of age, whether resident or nonresident of this state, may not operate a motor vehicle upon any highway of this state between the hours of 12:00 a.m. and 5:00 a.m.

(2) It is an affirmative defense to a charge under Subsection (1) that the person is operating a motor vehicle:

(a) accompanied by a licensed driver at least 21 years of age who is occupying a seat next to the driver;

(b) for the driver's employment, including the trip to and from the driver's residence and the driver's employment;

(c) directly to the driver's residence from a school-sponsored activity if:

(i) transportation to the activity is provided by a school or school district; and

(ii) the transportation under Subsection (2)(c)(i) commences from and returns to the school property where the driver is enrolled;

(d) on assignment of a farmer or rancher and the driver is engaged in an agricultural operation; or

(e) in an emergency.

(3) (a) In addition to any penalties imposed under Title 53, Chapter 3, Uniform Driver License Act, a violation of this section is a class C misdemeanor.

(b) A peace officer may not seize or impound a vehicle if:

(i) the operator of the vehicle is cited for a violation of this section; and

(ii) the seizure or impoundment is not otherwise authorized under Section 41-1a-1101, 41-6a-1405, 41-6a-1608, or 73-18-20.1 or required under Section 41-6a-527.

Amended by Chapter 234, 2006 General Session